IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13794 of 2004

Between:

Gurunam Singh S/o Man Singh Sakhi
aged about 40 years, Occ: Business,
r/o Golkida Village, Kinwat Taluka, Nanded District, Maharastra State.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Adilabad District
2 The Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Warangal District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order, or direction, or issue an appropriate Writ, more particularly one in the nature of Writ of Mandamus directing the respondents herein to release the seized vehicle of the petitioner MH 35/56 which was seized by the respondent No.2 under Vehicle cheek Report No. 262934, dated 30-7-2004, and declare the action of the respondents regarding the seizure of said vehicle is illegal, arbitrary, violative of Article 14 of the Constitution of India and against the mandatory provisions of MV Act, and its Rules

Counsel for the Petitioner: MR.S.CHANDRASEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the admission stage, made the following ORDER**:**

(per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties and with their consent the writ petition is disposed of at the stage of admission.

It appears that the vehicle belonging to the petitioner was intercepted on 30-7-2004. It was found carrying an over load of 6320 kgs. The driver also failed to produce registration certificate, tax payment receipt for May and June, 2004 and the fitness certificate. It is submitted that in terms of Rule 217 of the A.P. Motor Vehicle Rules an amount of Rs.1/- per kg of excess weight is leviable by way of penalty.

In the circumstances, we direct that the vehicle may be released to the petitioner on the condition of the petitioner remitting the tax, if any due, and also a tentative amount of Rs.6,000/- and on further condition of the petitioner furnishing an undertaking not to alienate or in any way encumber the vehicle till final order is passed by the respondents in the enquiry. The payment of tax and the amount of Rs.6,000/- shall be without prejudice to the rights of the petitioner in the enquiry which may be completed expeditiously by the respondents. Writ petition is accordingly disposed of.

_____

BILAL NAZKI, J

August 5, 2004.

_____

S.ANANDA REDDY, J

Operative portion by
wire at party's cost.

B/O

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Regional Transport Authority, Adilabad District
2 The Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Warangal District

3. 2 CCs to the Government Pleader for Transport, High Court of A.P., Hyderabad.

4 2 CD copies.